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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,830	08/31/2001	Hisashi Takayama	TAKAYAMA 4	9491
1444 7590 06/09/2009 BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			EXAMINER GRAHAM, CLEMENT B	
			ART UNIT 3696	PAPER NUMBER
			MAIL DATE 06/09/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/831,830

**Applicant(s)**

TAKAYAMA ET AL.

**Examiner**

Clement B. Graham

**Art Unit**

3696

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 58-61 and 63-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 58-61 and 63-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### DETAILED ACTION

1. Claims 58-61, 63-66 remained pending in this Application.

#### Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 58-61, 63-66, are rejected under 35 U.S.C. 102(b) as being anticipated by Jusa et al (Hereinafter U.S. Patent NO: 5, 655, 219).

As per claim 58, Jusa discloses a communication terminal comprising: a first wireless communication section that receives from other terminal within a distance for communicating with said communication terminal, said information including a communication method for a second wireless communication (see column 3 lines 35-56 and column 5 lines 36-46 and column 7 lines 25-48 and column 8 lines 55-67 and column 9 lines 1-13 and column 14 lines 6-33 and column 15 lines 4-35) a second wireless communication section operable to establish a communication session using said information received via said first wireless communication (see column 3 lines 35-56 and column 5 lines 36-46 and column 7 lines 25-48 and column 8 lines 55-67 and column 9 lines 1-13 and column 14 lines 6-33 and column 15 lines 4-35).

As per claim 59, Jusa discloses wherein said information for starting communication with said other terminal further identification information (see column 3 lines 35-56 and column 5 lines 36-46 and column 7 lines 25-48 and column 8 lines 55-67 and column 9 lines 1-13 and column 14 lines 6-33 and column 15 lines 4-35).

As per claim 60, Jusa discloses further comprising:  
an authentication section that authenticates with said other terminal using said

identification information (see column 3 lines 35-56 and column 5 lines 36-46 and column 7 lines 25-48 and column 8 lines 55-67 and column 9 lines 1-13 and column 14 lines 6-33 and column 15 lines 4-35) wherein said second wireless communication establishes a communication session using said identification information when said authentication section authenticates with said other terminal successfully(see column 3 lines 35-56 and column 5 lines 36-46 and column 7 lines 25-48 and column 8 lines 55-67 and column 9 lines 1-13 and column 14 lines 6-33 and column 15 lines 4-35).

As per claim 61, Jusa discloses wherein said first wireless communication section has directivity (see column 3 lines 35-56 and column 5 lines 36-46 and column 7 lines 25-48 and column 8 lines 55-67 and column 9 lines 1-13 and column 14 lines 6-33 and column 15 lines 4-35).

As per claim 63, Jusa discloses a communication terminal comprising:  
a first wireless communication section that transmits, to other terminal within a distance for communicating with said communication terminal, information for starting communication with the other terminal  
a second wireless communication section establishes a communication session using said information in response to a communication establishment request from said other terminal and receives from said other terminal a message indicating a communication method (see column 3 lines 35-56 and column 5 lines 36-46 and column 7 lines 25-48 and column 8 lines 55-67 and column 9 lines 1-13 and column 14 lines 6-33 and column 15 lines 4-35).

As per claim 64, Jusa discloses wherein said information further includes identification information (see column 3 lines 35-56 and column 5 lines 36-46 and column 7 lines 25-48 and column 8 lines 55-67 and column 9 lines 1-13 and column 14 lines 6-33 and column 15 lines 4-35).

As per claim 65, Jusa discloses further comprising:  
an authentication section that authenticates with said other terminal using identification information in response to a communication establishment request from said other terminal (see column 3 lines 35-56 and column 5 lines 36-46 and column 7 lines 25-48 and column 8 lines 55-67 and column 9 lines 1-13 and column 14 lines 6-33 and column

15 lines 4-35) wherein said second wireless communication section establishes a communication session using said identification information when said authentication section authenticates with said other terminal successfully(see column 3 lines 35-56 and column 5 lines 36-46 and column 7 lines 25-48 and column 8 lines 55-67 and column 9 lines 1-13 and column 14 lines 6-33 and column 15 lines 4-35).

As per claim 66, Jusa discloses wherein said first wireless communication section has directivity (see column 3 lines 35-56 and column 5 lines 36-46 and column 7 lines 25-48 and column 8 lines 55-67 and column 9 lines 1-13 and column 14 lines 6-33 and column 15 lines 4-35).

## **CONCLUSION**

### **RESPONSE TO ARGUMENTS**

4. Applicant's arguments filed 3/12/09 have been fully considered but they are moot in view of new grounds of rejections.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B. Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Frantzy Poinvil/

Primary Examiner, Art Unit 3696

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